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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

7590 12/17/2003  
Birch Stewart Kolasch & Birch LLP  
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EXAMINER
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PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,061

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 10/08/2003 have been fully considered but they are not persuasive.

As argued by applicant on pages 5-7:

*Independent claim 7 recites, in part, changing a file name... that has been read out of the first... recording medium to the incremented file number... and recording the read image file on the second... recording medium" (emphasis added). Independent claim 10 also recites a similar feature. Contrary to the assertion made in the Office Action, Fukada does not teach or suggest at least this feature.*

*More specifically, Fukada does not teach or suggest changing the file name as it exists in the first recording medium. Rather, assuming that the above assertions are true, it is the temporarily generated file name that is compared and not the file name as originally recorded in the first recording medium.*

Examiner respectfully traverses because of the following reasons:

Independent claims 7 and 10 recite, in part, *changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number and recording the read image file on the second loadable and removable recording medium.*

As disclosed by Fukada, when a memory card is set into a slot and the processing is started, image files within the memory card are read one by one in the order to recording, and recording property information contained in the image file is referred to (Col. 6, lines 12-16). The file name of this image file is determined by a combination of the referred recording property (such as a title, the date of recording), and an identifying number. The first image file read out from the memory card is named

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*flower0403001* as an example (Col. 6, lines 16-27). The file name is changed to *flower0403011* as the incremented file number (Col. 7, lines 1-3), and the next image will be *flower0403012* (Col. 7, lines 6-8). As seen, when an image file has been read out of the memory card, the image file is named and its file name is changed to the incremented file number. In other words, the technique as discussed performs the claimed *changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number*. The Fukada process is continued by *recording the read image file on the recording medium* (Col. 7, lines 9-17).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].**

Regarding to claims 7 and 10, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1, lines 6-15). As disclosed by Fukada, a file name used upon storage of the image file is determined by the title, the date of recording and an identifying number:

file name = title + date of recording + identifying number, for example:

*flower0403001*(Col. 6, lines 19-27). To determine a recorded file name from memory card 2 of FIG. 1 as *a first loadable and removable recording medium* to the hard disc as a *second recording medium*, a file name search and comparison is processed. As a result, if 10 image files with identifying numbers 001 to 010 already exist, a following image file is stored in the hard disc under a file name *flower0403011*, with 011 being the identifying number. Alternatively, by storing the fact that identifying numbers 001 through 010 have already been used for a combination of recording property information *flower0403* and referring to this fact, the processing may be started with the identifying number starting from 011 the next time (Col. 6, line 55-Col. 7, line 8). As seen, by utilizing the search & comparison process with 10 image files already stored in the hard disk, *flower0403010* as the last file number is determined and incremented by 1 to have *flower0403011* for a new image file. In other words, the process as discussed performs the claimed *reading out a last file-number of file-numbers for image files that have been recorded on the second recording medium; and incrementing the read out last file-number*. Fukada further discloses when a memory card is set into a slot and the processing is started, image files within the memory card are read one by one in the order to recording, and recording property information contained in the image file is referred to (Col. 6, lines 12-16), the file name of this image file is determined by the method as discussed above, and the first image file read out from the memory card is named *flower0403001* as an example (Col. 6, lines 19-27). The file name is changed to *flower0403011* as the incremented file number (Col. 7, lines 1-3), and the next

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image will be *flower0403012* (Col. 7, lines 6-8). As seen, when an image file has been read out of the memory card, the file is named and the file name is changed to the incremented file number. In other words, the technique as discussed performs the claimed *changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number*. The Fukada process is continued by *recording the read image file on the recording medium* (Col. 7, lines 9-17). ). Fukada fails to disclose the second recording medium is *loadable and removable*. However, Fukada uses a conventional computer as the device for processing image files. Such a conventional computer as disclosed, a loadable and removable recording medium as an A drive for a floppy disk is obvious. Fukada further makes a strong suggestion, the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5). Thus, instead of processing in a hard drive, a loadable and removable recording medium such as floppy disk could be used for storing. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera.

Regarding to claims 8 and 11, Fukada teaches all the claimed subject matters as discussed in claims 7 and 10, Fukada further discloses the steps of *grouping image files, which have been recorded on the second loadable and removable recording medium according to the types of images represented by the image files* (Col. 5, line 49-Col. 6, line 7).

Regarding to claims 9 and 12, Fukada teaches all the claimed subject matters as discussed in claims 8 and 11, Fukada further discloses the step of *recording a file name corresponding to each group on the second loadable and removable recording medium* (Col. 5, line 49-Col. 6, line 7).

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham  
December 8, 2003



KIM VU  
SUPERVISORY PATENT EXAMINER  
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